

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA AIKEN DIVISION

| JOSHUA WASHBURN, ETHAN HUTSON,   | § |                                |
|----------------------------------|---|--------------------------------|
| and JACKSON THOMPSON,            | § |                                |
| Plaintiffs,                      | § |                                |
|                                  | § |                                |
| VS.                              | § | Civil Action No. 1:24-0511-MGL |
|                                  | § |                                |
| BLACKVILLE POLICE DEPARTMENT,    | § |                                |
| TOWN HALL OF BLACKVILLE, RONNIE, | § |                                |
| PURNELL, FONDA PATRICK, MILES    | § |                                |
| LOADHOLT, JAMES THORPE, and RAY  | § |                                |
| CRAWFORD,                        | § |                                |
| Defendants.                      | § |                                |

## ORDER ADOPTING THE REPORT AND RECOMMENDATION AND SUMMARILY DISMISSING ACTION WITHOUT PREJUDICE AND WITHOUT FURTHER LEAVE FOR AMENDMENT

Plaintiffs Joshua Washburn, Ethan Hutson, and Jackson Thompson (collectively, Plaintiffs) filed this action against Defendants Blackville Police Department, Town Hall of Blackville, Ronnie Purnell, Fonda Patrick, Miles Loadholt, James Thorpe, and Ray Crawford. Plaintiffs are representing themselves.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court summarily dismiss this case without further leave for amendment. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the

Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 22, 2024. To date, Plaintiffs have failed to file any objections.

"[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court this case is **DISMISSED WITHOUT PREJUDICE** and without further leave to amend.

## IT IS SO ORDERED.

Signed this 11th day of April 2024, in Columbia, South Carolina.

<u>s/ Mary Geiger Lewis</u> MARY GEIGER LEWIS UNITED STATES DISTRICT JUDGE

\*\*\*\*

## NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.